

DISTRICT COURT
FILED

IN THE DISTRICT OF TULSA COUNTY
STATE OF OKLAHOMA

APR 23 2014

ANDREW KYLE CHISM,

Plaintiff,

v.

THE TRAVELERS HOME AND
MARINE INSURANCE COMPANY,
a foreign corporation,

Defendant.

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

CJ-2014-01600
Case No.

Judge
DAMAN CANTRELL

PETITION

COMES now the Plaintiff and for his cause of action against the Defendant alleges and states as follows:

1. Defendant is a foreign corporation licensed to do business in Oklahoma which sold an automobile policy to Plaintiff's father who is a resident of Tulsa County. Jurisdiction and venue are proper.

2. Plaintiff's parents were divorced when he was ten years old. They were awarded joint custody. They live a short distance apart and the Plaintiff would spend time at both residences.

3. He went away to attend college at the University of Arkansas in Fayetteville. He rented a place with fellow students. When he returned to Tulsa, he would again spend time at each parent's residence.

4. A student remains a resident of his parents' home while he is away attending school. The Plaintiff intended to remain a resident of each parent's home as he had before.

5. On June 18, 2011, the Plaintiff was a passenger in a pickup truck when a traffic accident occurred near Russellville, Arkansas.

6. The Plaintiff was seriously injured. Claims were made under the automobile policy issued by the Defendant to the Plaintiff's father, Jeff Chism.

7. The Defendant paid the claim for \$5,000 in medical payments which, under the policy, required that the Plaintiff be a resident of the household.

8. However, when the driver's liability policy proved inadequate, the Plaintiff made a claim for the much higher \$100,000 uninsured motorist limits.

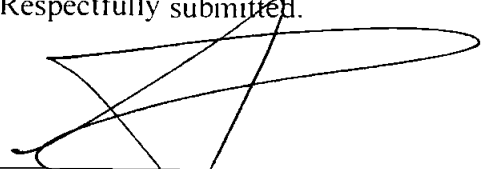
9. Now, contrary to its previous response, the Defendant denied the claim, allegedly on the grounds that the Plaintiff was not a resident of his father's household.

CLAIM FOR RELIEF

10. The Defendant breached the contract with the Plaintiff, who is an insured family member under the policy of insurance issued to Plaintiff's father, Jeff Chism.

WHEREFORE, Plaintiff prays that the Court award judgment in the amount of \$100,000, costs, interests, and such other and further relief as the Court finds just and equitable. The Plaintiff reserves the right to amend the Petition following discovery to add a claim for bad faith and punitive damages.

Respectfully submitted,



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Attorneys for Plaintiff

**ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED**